

EXHIBIT J

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Lisa J. Cisneros, Magistrate Judge

IN RE: UBER TECHNOLOGIES,)
INC., PASSENGER SEXUAL ASSAULT)
LITIGATION.)

NO. 3:23-MD-03084-CRB

San Francisco, California
Thursday, June 13, 2024

TRANSCRIPT OF REMOTE ZOOM PROCEEDINGS

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Official United States Reporter

1 most serious five taxonomy categories and things that might be
2 close to that, in a 21-month effort of dozens of employees who
3 are highly trained and cross-checked against -- audited and
4 cross-checked against what the experts say, was able to kind of
5 categorize those in the five categories reliably and publish
6 the data. Everything else is awash of other tickets and
7 incidents that are, like as I said, both safety and non-safety
8 related.

9 And so there is no sort of data, as the plaintiffs
10 suggest, is not really what that is; those are tickets. And so
11 what they're seeking to compel is for Uber to effectively
12 generate and compile statistics about the tickets and incidents
13 that might fall arguably into categories 6 through 21, or no
14 category, like lost keys. And they're seeking to compel Uber
15 to generate some kind of statistics which it does not do in the
16 ordinary course, because it does not report on them and because
17 the experts are saying that they cannot be reliably categorized
18 to make them useful information for the public to report on.

19 And so that's why we're saying that the plaintiffs are
20 seeking to compel us to do something that doesn't exist.

21 **THE COURT:** Okay. When I read the letter I didn't
22 understand plaintiffs to be asking defendants to generate some
23 sort of new set of statistics based on the categories 6 through
24 21 that weren't presented in the data trends that are set forth
25 in the report. The data trends that are set forth in the

1 verified, or have you verified something like that, since it's
2 so subjective. But I don't -- I think that there is -- that
3 the data that exists in these other categories, 6 through 21,
4 is a broader range of type of information or types of
5 incidents. I think one category that was left out consisted
6 of, you know, drivers touching passengers' legs without
7 consent. You know, that seems to me to be a pretty
8 straightforward type of conduct that was not included in the
9 data trends, and plaintiffs are asking for the underlying data
10 that reflects those incidents.

11 So I understand the concerns about what the implications
12 are of turning over some incident tickets or data that reflects
13 the incident tickets that concern something highly subjective,
14 like did somebody leer at me, give me a, you know, sexualized
15 glance or stare that caused the passenger to have concerns
16 about their safety, to, on the other hand, the group of
17 incident reports, which we don't know how many, involved driver
18 reportedly touching passengers' legs without consent. So my
19 understanding is that was left out.

20 So, but does that data exist in a dataset?

21 **MR. SHORTNACY:** The answer is "no." And I think let
22 me try to clarify what I mean by that.

23 The leg example that Your Honor is using I think does
24 still implicate subjective meaning and was it in a sexualized
25 way or not, but I agree with you it's certainly more clear than

1 **THE COURT:** Of course.

2 **MR. SHORTNACY:** I think this -- you know, I
3 appreciate the position Ms. Wilkins is in, in that Uber has
4 superior knowledge about its data systems and processes, but I
5 think that the comments being made from plaintiffs' counsel
6 about things being thrown away and GPS data being associated
7 with these tickets, which they're not in this reportable data,
8 so let me just make that very clear. What Ms. Wilkins is
9 asking for is not in the G' -- the GPS data is not part of the
10 tickets in the way that I think that Ms. Wilkins imagines or
11 maybe has seen from the defense fact sheet productions, which
12 have been made for I think 90 percent of the filed cases in the
13 MDL, of which at this point they're like 234 cases. And so
14 that information's being provided.

15 And what we're -- we're getting a lot of questions from
16 plaintiffs' counsel assuming things about the data, assuming
17 about how things might work, and if it were that way, how they
18 might be able to be used to provide trends. But I have --
19 hopefully we set out in our papers, hopefully I'm setting it
20 out here, because I hear, you know, counsel's reverting back to
21 central sources again, and I have explained that the tickets
22 reside in separate sources, and I'm trying to explain that to
23 the extent there is a review done on the other categories, it
24 is not a rigorous review, because it's not the five taxonomy
25 categories. And so it isn't fair to even say that those cases